

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: P. A. Billing-Medel, *et al.*

Serial No.: 09/092,296

Filed: June 5, 1998

For: REAGENTS AND METHODS  
USEFUL FOR DETECTING  
DISEASES OF THE LUNG

Examiner: J. Burke

Group Art Unit: 1642

Case No.: 6104.US.01



**CERTIFICATE OF MAILING (37 CFR 1.8 (a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

Assistant Commissioner for Patents  
Washington, D.C. 20231, on:

Date of Deposit: May 19, 2000

*Kathleen Boettcher* 5/19/00  
Kathleen Boettcher Date

#15  
KD  
6-1-00

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE**

Dear Sir:

This is responsive to the Communication dated April 10, 2000.

**REMARKS**

The Examiner states that the amendment filed February 15, 2000 as paper no. 12, is not fully responsive to the communication mailed November 8, 1999 because the rejection set forth on page 6, paragraph 12 of the previous Office Action has not been addressed by (1) amendment of the claims; (2) amendment of the specification; or (3) applicant's response. The Examiner states that the Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the Examiner's contentions. Applicant must also discuss the sections of the specification used to provide support for the claims, explaining how the amendment to the claims avoided the addition of new matter.

Specifically, the previous rejection involved claims 20, 21, and 28-39 which were rejected under 35 U.S.C. §112, first paragraph. The Examiner states that the newly amended claims now recite an epitope of "at least 8 amino acids" or "at least 10 amino acids" and the response argues that support for this limitation can be found on page 18, lines 23-29 and page 14, lines 8-34. The Examiner concludes that this argument is not